

**ORDINANCE NO. 20061207-010**

**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "PEARCE LANE/ROSS ROAD MUNICIPAL ANNEXATION PLAN AREA", CONSISTING OF APPROXIMATELY 278 ACRES OF LAND OUT OF THE JOSE ANTONIO NAVARRO GRANT IN TRAVIS COUNTY, TEXAS; WAIVING ZONING APPLICATION FEES; AND APPROVING A SERVICE PLAN.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The Council finds that:

- (A) Notice of the three public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed, and on the City of Austin internet website.
- (B) The public hearings were held on October 18, 2004, at 6:30 p.m. at the Del Valle Independent School District Junior High School, 5500 Ross Road, Del Valle, Texas; October 21, 2004 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building, 3700 Lake Austin Boulevard, Austin, Texas; and October 28, 2004 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building, 3700 Lake Austin Boulevard, Austin, Texas.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan was made available and explained at the public hearings required by state law.
- (D) The annexation, for full purposes, of the territory described in Exhibit A serves the interest of the current and future residents of the City of Austin.
- (E) All procedural requirements imposed by state law for the full purpose annexation of the territory described in Exhibit A have been met.

**PART 2.** The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for the full purposes:

278 acres of land, more or less, out of the Jose Antonio Navarro Grant in Travis County, Texas, of which 278 acres of land, more or less, are to be taken into and

made a part of the City of Austin, Travis County, Texas; said 278 acres of land, more or less, being more particularly described in Exhibit A.

**PART 3.** The Service Plan attached as Exhibit B is approved as the Service Plan for the area.

**PART 4.** The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

**PART 5.** Zoning application fees are waived for property within the annexed area for a period of one year from the effective date of annexation.

**PART 6.** This ordinance takes effect on December 31, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_  
December 7, 2006

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk

**EXHIBIT A**

C7a-06-001

Area to be annexed.  
Approximately 278 acres  
of land out of the Jose  
Antonio Navarro Grant in  
Travis County, Texas.

(Berdoll Farms Phase One  
Section 1, Berdoll Farms  
Phase One Section 2,  
Berdoll Farms Phase One  
Section 3, Berdoll Farms  
Phase One Section 4,  
Berdoll Farms Phase Two  
Section 1, Berdoll Farms  
Phase Two Section 2,  
Berdoll Farms Phase Two  
Section 3, Portion of Lot  
1, Block A Deerwood)

(Unplatted Land)

(Portion of Ross Road)

#### LEGAL DESCRIPTION

**LEGAL DESCRIPTION FOR APPROXIMATELY 278  
ACRES OF LAND OUT OF THE JOSE ANTONIO  
NAVARRO GRANT in TRAVIS County, Texas,  
OF WHICH APPROXIMATELY 278 ACRES OF LAND  
is TO BE TAKEN INTO AND MADE A PART OF  
THE CITY OF AUSTIN, said APPROXIMATELY  
278 acres BEING more particularly  
described as follows:**

Beginning at a point in the proposed corporate limit  
line of the City of Austin in the northerly line of that  
certain called 147.277 acre tract of land conveyed to Larry  
W. Hill, et ux. by deed recorded in Volume 5561 at Page 614  
of the Deed Records of Travis County, Texas at the southeast  
corner of Lot 16, Block B, Berdoll Farms Phase Two Section  
1, a subdivision of record found in Document No. 200100185  
of the Official Public Records of Travis County, Texas, same  
being the most westerly corner of that certain called 19.300  
acre tract of land conveyed to Eugene A. Johnson by deed  
recorded in Document No. 2001172116 of said Official Public

Records, for the most easterly southeast corner of the herein described tract;

THENCE, in a northwesterly direction along the proposed corporate limit line of the City of Austin, being the common dividing line of said Lot 16, Block B and the Larry W. Hill 147.277 acre tract to a point in the present corporate limit line of the City of Austin as adopted by Ordinance 031120-37 (Case No. C7a-03-022) at the most northerly corner of the said Larry W. Hill 147.277 acre tract, same being the northeast corner of Lot 9, Block M, Meadows at Berdoll Phase Two Section 1 Small Lot Subdivision, a subdivision of record found in Document No. 200400112 of said Official Public Records, for an angle point of the herein described tract;

THENCE, continuing in a northwesterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 031120-37 (Case No. C7a-03-022), being in part along the southwesterly line of said Berdoll Farms Phase Two Section 1, in part along the southwesterly line of Berdoll Farms Phase One Section 1, a subdivision of record found in Document No. 200100186 of said Official Public Records, being common in part with the northeasterly line of said Meadows at Berdoll Phase Two Section 1 Small Lot Subdivision, in part with the northeasterly lines of Meadows at Berdoll Phase One Section 1, a subdivision of record found in Document No. 200200288 of said Official Public Records, in part with the northeasterly line of the Re-Plat of Lots 29-42, Block "A", Meadows at Berdoll Phase One Section 3, a subdivision of record found in Document No. 200500155 of said Official Public Records and in part with the northeasterly line of that certain called 20.935 acre tract of land conveyed to Peter Jacobson and Lindsley Bratten by deed recorded in Volume 13281 at Page 2915 of the Real Property Records of Travis County, Texas to a point in the easterly right-of-way line of Ross Road at the southwest corner of Lot 3, Block D of said Berdoll Farms Phase One Section 1, same being the northwest corner of the said Peter Jacobson and Lindsley Bratten 20.935 acre tract, for an inside ell corner of the herein described tract;

THENCE, in a southwesterly direction along the present corporate limit line of the City of Austin as adopted by

Ordinance 031120-37 (Case No. C7a-03-022), being the easterly right-of-way line of Ross Road, also being the northwesterly line of the said Peter Jacobson and Lindsley Bratten 20.935 acre tract to a point at the intersection of the easterly right-of-way line of Ross Road with the north right-of-way line of Pearce Lane, same being the southwest corner of the said Peter Jacobson and Lindsey Bratten 20.935 acre tract, for the most southerly southeast corner of the herein described tract;

THENCE, in a northwesterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 031120-37 (Case No. C7a-03-022), being the north right-of-way line Pearce Lane, crossing Ross Road, in part with the southerly line of Lot 1, Block A, Deerwood, a subdivision of record found in Book 100, Page's 120 through 123 inclusive of the Plat Records of Travis County, Texas to a point of intersection with another corporate limit line of the City of Austin as adopted by Ordinance 860717-Q (Case No. C7a-86-002), also being the present corporate limit line of the City of Austin as adopted by Ordinance 850718-J (Case No. C7a-85-019) following the disannexation of a portion of said corporate limit line as adopted by Ordinance 890525-G (Case No. C7ad-89-062), and being described as a line five hundred (500.00) feet east of and parallel with the northerly prolongation of the east line of Ross Road (Ross Road south of Pearce Lane), for an outside ell corner of the herein described tract;

THENCE, in a northeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 850718-J (Case No. C7a-85-019) following the disannexation of a portion of said corporate limit line as adopted by Ordinance 890525-G (Case No. C7ad-89-062), being a line five hundred (500.00) feet east of and parallel with the northerly prolongation of the east line of Ross Road (Ross Road south of Pearce Lane) to a point at the northwest corner of said tract disannexed by Ordinance 890525-G (Case No. C7ad-89-062), being the intersection of a line five hundred (500.00) feet east of and parallel with the northerly prolongation of the east line of Ross Road (Ross Road south of Pearce Lane) with line five hundred (500.00) feet north of and parallel with the north line of Pearce

Lane, for an inside ell corner of the herein described tract;

THENCE, in a northwesterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 850718-J (Case No. C7a-85-019), being a line five hundred (500.00) feet north of and parallel with the north line of Pearce Lane to a point in a northwesterly line of said Lot 1, Block A, Deerwood Subdivision, same being a southeast line of that certain called 218.75 acre tract of land conveyed to Ivy Berdoll Family Farms, Inc. by deed recorded in Volume 10846 at Page 237 of said Real Property Records at the most westerly southeast corner of the present corporate limit line of the City of Austin as adopted by Ordinance 030828-31 (Case No. C7a-03-015), for the most westerly southwest corner of the herein described tract;

THENCE, in a northeasterly, southeasterly, northeasterly and southeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 030828-31 (Case No. C7a-03-015), being the common dividing line of said Lot 1, Block A, Deerwood Subdivision and the said Ivy Berdoll Family Farms, Inc. 218.75 acre tract to a point at the most northerly northeast corner of said Lot 1, Block A, Deerwood Subdivision, same being an outside ell corner of the said Ivy Berdoll Family Farms, Inc. 218.75 acre tract, also being the common westerly corner of that certain called 28.455 acre tract of land and that certain called 23.730 acre tract of land conveyed to the Del Valle Independent School District by deeds recorded in Volume 9117 at Page 846 of said Real Property Records and Document No. 2001062687 of said Official Public Records respectively, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly, southeasterly, northeasterly, southeasterly, northeasterly and southeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 030828-31 (Case No. C7a-03-015), being the common dividing line of the said Del Valle Independent School District 23.730 acre tract and the said Ivy Berdoll Family Farms, Inc. 218.75 acre tract to a point in the westerly right-of-way line of Ross

Road at the common easterly corner of the said Del Valle Independent School District 23.730 acre tract and the said Ivy Berdoll Family Farms, Inc. 218.75 acre tract, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 030828-31 (Case No. C7a-03-015), being in part with the westerly right-of-way line of Ross Road, in part with the easterly line of the said Ivy Berdoll Family Farms, Inc. 218.75 acre tract and in part with the easterly line of Lexington Parke Section One, a subdivision of record found in Document No. 200400121 of said Official Public Records to a point at the intersection of the easterly line of said Lexington Parke Section One subdivision with the northwesterly prolongation of the northerly line of Berdoll Farms Phase One Section 4, a subdivision of record found in Document No. 200100360 of said Official Public Records, for the most northerly corner of the herein described tract;

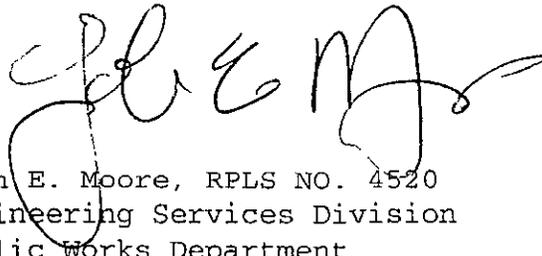
THENCE, in a southeasterly direction along the proposed corporate limit line of the City of Austin, crossing Ross Road, in part with the said northwesterly prolongation of the northerly line of Berdoll Farms Phase One Section 4, in part with the northerly line of said Berdoll Farms Phase One Section 4, in part with the northerly line of Berdoll Farms Phase One Section 3, a subdivision of record found in Document No. 200100266 of said Official Public Records, in part with the northerly line of Berdoll Farms Phase Two Section 3 Small Lot Subdivision, a subdivision of record found in Document No. 200100265 of said Official Public Records and in part with the northerly line of Berdoll Farms Phase Two Section 2 Small Lot Subdivision, a subdivision of record found in Document No. 200100184 of said Official Public Records common with the southerly line of that certain called 150.00 acre tract of land conveyed to the Del Valle Independent School District by deed recorded in Volume 13063 at Page 1165 of said Real Property Records to a point in the westerly line of that certain called 192.360 acre tract of land conveyed to AE Johanson, Ltd. by deed recorded in Document No. 2002143225 of said Official Public Records at the northeast corner of Lot 27, Block K of said Berdoll Farms Phase Two Section 2 Small Lot Subdivision, same being the southeast corner of the said Del Valle Independent

School District 150.00 acre tract, for the northeast corner of the herein described tract;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin, being in part with the southeasterly line of said Berdoll Farms Phase Two Section 2 Small Lot Subdivision, in part with southeasterly line of said Berdoll Farms Phase Two Section 1, being common in part with the westerly line of the said AE Johanson, Ltd. 192.360 acre tract and in part with the westerly line of the said Eugene A. Johnson 19.300 acre tract to the point of beginning.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared".

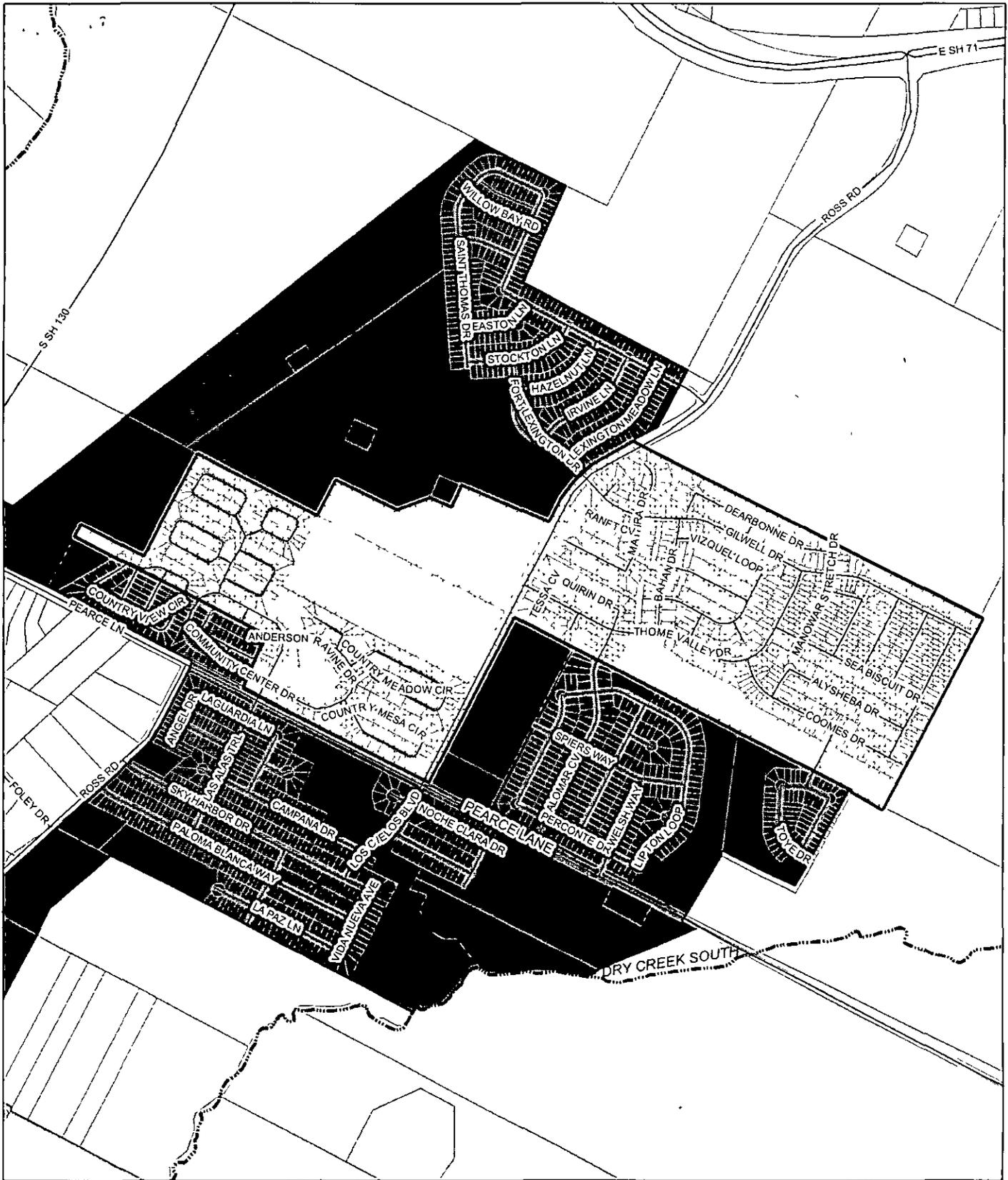
LEGAL DESCRIPTION: John E. Moore  
11-21-2006

A handwritten signature in black ink, appearing to read 'John E. Moore', written in a cursive style.

APPROVED: John E. Moore, RPLS NO. 4520  
Engineering Services Division  
Public Works Department  
City of Austin

REFERENCES

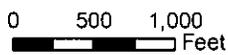
TCAD MAP 3-3131 & 3-3141  
Austin Grid P-14 & Q-14



**Pearce Lane/Ross Road Municipal Annexation Plan Area**  
**C7a-06-001**



City of Austin NPZD  
 September 22, 2006  
 J Chuter



**Legend**

- 2006 Annexation Area
- Lot Line
- Creek
- Austin Full Purpose
- Austin Limited Purpose
- Austin ETJ

**EXHIBIT B**



**CITY OF AUSTIN**  
**ANNEXATION SERVICE PLAN**

**Case Name:** Pearce Lane- Ross Road  
Municipal Annexation Plan Area  
**Case Number:** C7a-06-001  
**Date:** October 3, 2006

**INTRODUCTION**

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of a tract of land ("annexation area") known as the Pearce Lane- Ross Road Municipal Annexation Plan (MAP) Area. The Pearce Lane/Ross Road MAP area covers approximately 278 acres and is located approximately one and one quarter miles east of the intersection of FM 973 and Pearce Lane in southeast Travis County

The Pearce Lane- Ross Road MAP area is included in the City of Austin's Municipal Annexation Plan as amended in December 2003. According to the plan, the Pearce Lane- Ross Road area is scheduled for annexation effective December 31, 2006.

The annexation area is a developed, predominately residential area. The annexation area includes the developed Deerwood manufactured housing development, the Berdoll Farms residential development and the Del Valle Independent School District Junior High School and the Del Valle Independent School District Elementary School sites. The annexation area is described by metes and bounds in Exhibit A, which is attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

**EFFECTIVE TERM**

- This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

**INTENT**

It is the intent of the City of Austin that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code

The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

## **SERVICE COMPONENTS**

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

### **1. EARLY ACTION PROGRAM**

The following services will be provided in the annexation area commencing on the effective date of the annexation, unless otherwise noted.

- a. Police Protection. The Austin Police Department (“APD”) will provide protection and law enforcement services in the annexation area. These services include:
- normal patrols and responses,
  - handling of complaints and incident reports, and
  - special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team

As part of its community policing program, APD will work with residents of the annexation area as requested to resolve speeding violations on Thome Valley, youth curfew violations, enforcement of the city’s fireworks ordinance, and other policing issues in the annexation area.

- b. Fire Protection. The Austin Fire Department (“AFD”) will provide emergency and fire prevention services in the annexation area. These services include:
- Fire suppression and rescue;
  - Emergency medical services first response for Austin Emergency Medical Services Department on life threatening medical emergencies;
  - Hazardous materials mitigation and regulation;
  - Emergency prevention and public education efforts, especially concerning fireworks laws and safety;
  - Dive rescue;
  - Technical rescue;
  - Aircraft/rescue/firefighting;
  - Construction plan review,
  - Inspections, and
  - Rescue/hazardous materials unit.

AFD serves as the first responder on life threatening emergencies for Austin EMS. All AFD personnel are certified at an Emergency Medical Technician (“EMT”) level or higher. All engines (pumpers), ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

AFD has a seven-year option (after the main roadway has been constructed) to build a station in the WatersEdge development that could potentially provide additional coverage to the annexation area.

- c. Emergency Medical Service The City of Austin/Travis County Emergency Medical Services (“EMS”) Department will provide emergency medical services in the annexation area.

Austin/Travis County EMS will provide the following emergency and safety services to the annexation area.

- Emergency dispatch, pre-arrival First Aid instructions and coordination of other public safety support agencies,
- Emergency paramedic ambulance response, and
- Medical rescue services.

Austin/Travis County EMS is a mobile service provider, with units constantly moving throughout the system area. An ambulance is frequently dispatched from a location outside the station.

The Austin Fire Department will provide emergency medical first response to all patients in a life-threatening situation. All Austin Fire Department personnel are certified at the Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care

- d. Solid Waste Collection. The Austin Solid Waste Services Department will provide services in the area. Services will be provided by City personnel or by solid waste service providers under contract with the City. Services currently provided in the City for single family residences, including duplex, triplex and fourplex dwelling units, include:

- garbage collection – scheduled cart collection in accordance with City Pay-As-You-Throw guidelines;
- recycling collection – scheduled curbside collection , materials collected include newspaper, magazines, catalogs, junk mail, corrugated cardboard; tin, steel and aluminum cans, glass bottles and jars, plastic bottles (#1 and #2), and
- yard trimmings collection – scheduled residential collection in paper bags or reusable containers.

Commercial garbage collection service for businesses is available on a subscription basis from the City or private service providers.

For the first two years following annexation, property owners who lived in the area prior to the effective date of the annexation may continue to utilize the services of privately owned solid waste service providers in accordance with provisions of the Texas Local Government Code.

- e. Maintenance of Water and Wastewater Facilities. Water and wastewater services will be provided through facilities located within or adjacent to the area. The facilities in the area will be maintained and operated by the City's Austin Water Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy.
- f. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Public Works Department will maintain public streets over which the City has jurisdiction. These services include.
- Emergency pavement repair;
  - Ice and snow monitoring of major thoroughfares;
  - Street maintenance. Maintenance activities include crack seal, sealcoat, slurry seal, and preventative maintenance overlay
  - Repair maintenance of public streets on an as-needed basis. Repair maintenance operations include pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs.

Streets in the area that have been dedicated and accepted for maintenance will be included in the City's preventative maintenance program. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition (distresses), rideability (smoothness), age, traffic volume, functional classification, and available funding.

If necessary, the Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs.

Street lighting will be maintained by the Electric Utility in accordance with state law.

- g. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public recreation facilities in the area.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

- h. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

## 2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

- a. Watershed Protection and Development Review Department. The City of Austin's Watershed Protection and Development Review Department will provide drainage maintenance services in the Annexation area. Drainage planning and maintenance are fee-based services. Services currently provided by the department, in accordance with and as limited by applicable codes, laws, ordinances and special agreements, include:
  - Water Quality Protection: Environmental Impact Assessments; Aquatic Endangered Species Protection; City Compliance with State and Federal Water Quality Regulations, Pollution Detection, Tracking and Forecasting; Stormwater Quality Education; Stormwater Treatment; Water Quality Education; Pollution Prevention and Reduction.
  - Watershed Protection Master Planning for Flood Hazard Mitigation, Streambank Restoration and Erosion Control, and Water Quality Protection
  - Land Development Review and Inspection: Land Development Review and Assistance, Environmental Inspection.
  - Building Development Regulations. Commercial Building Plan Review; Permit Center; Permit Inspections.
  - Flood Hazard Mitigation. Voluntary Floodplain Home Buyout Program; Regional Stormwater Management Evaluation; Creek Flood Hazard Mitigation; Localized Flood Hazard Mitigation; Flood Early Warning System; Floodplain Management.
  - Streambank Restoration and Erosion Management: Streambank Restoration and Erosion Management Services
  - Infrastructure and Waterway Maintenance: Creek Vegetation Control; Erosion Repair; Open Waterway Maintenance, Pond Inspection and Maintenance; Storm Drain Cleaning, Storm Drain Rehabilitation; Town Lake Cleanup.
- b. Library. Upon annexation, residents may utilize all Austin Public Library facilities.
- c. Austin Health and Human Services Department/Travis County Health Department. Upon annexation, the following services will be available from the Department.
  - investigation of public health related complaints including foodborne illness, recreational water quality and public swimming pools and spas;
  - enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance;
  - inspection of food establishments, child care facilities, OSSF systems;
  - investigation of reported elevated blood lead levels in children;
  - animal services including leash law, pet licensing and rabies control,
  - access to community health clinics;
  - Medical Assistance Program benefits, and
  - rodent and vector control consultation.

- d. Electric Utility Department Austin Energy will continue to provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas. This area is not in the Austin Energy's service area.
- e. Anti-litter Services. The Austin Solid Waste Services Department will provide anti-litter services in the annexed area. Anti-litter is a fee-based service. Services currently provided in the City include:
- bulky item collection – twice per year; a notice to customers is provided in advance of the pickup date;
  - large brush collection – twice per year; a notice to customers is provided in advance of the pickup date;
  - street sweeping service – approximately six (6) times per year for streets with curb and gutter;
  - dead animal collection – dead animals are removed from roadways upon request;
  - household hazardous waste drop-off facility – use of facility on regularly scheduled days of operation; and
  - tall weed and grass and litter abatement programs.
- f. Other Services All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

### 3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. Police Protection No capital improvements are necessary at this time to provide Police services.
- b. Fire Protection. No capital improvements are necessary at this time to provide Fire services.
- c. Emergency Medical Service No capital improvements are necessary at this time to provide EMS services.
- d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.
- e. Water and Wastewater Facilities No capital improvements are necessary at this time to provide water and wastewater services.

Water and wastewater services to new development and subdivisions will be provided according to the standard policies and procedures of the Water and Wastewater Utility, which may require the developer of a new subdivision to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

- f. Roads and Streets. No City road or street related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.
- h. Watershed Protection and Development Review Department. No capital improvements are necessary at this time to provide services
- i. Street Lighting. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard policies and procedures. Provision of street lighting will be in accordance with the City's street lighting policies.
- j. Other Publicly Owned Facilities, Building or Services Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

#### **AMENDMENT: GOVERNING LAW**

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

#### **FORCE MAJEURE**

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force majeure shall include, but not be limited to, acts of God, acts of the public

enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute force majeure for purposes of this Plan

## **SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY**

The following information is a summary of the Austin Water Utility Service Extension Policy, Chapters 25-1 through 25-5 and 25-9 of the 2006 Austin Code of Ordinances, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Austin Water Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's water and wastewater system and the requested extension otherwise meets the requirements of Chapter 25-9, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches but less than 18 inches in diameter, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City, the impact fee will be waived.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain

circumstances the Austin/Travis County Health and Human Services Department may require connection to the City sewer facilities

This policy is set by the City Council and can be amended in the future by ordinance.